39-40 ✓

195 **File No.** 3811/36-I.

B CLASS

P.W. **DEPARTMENT**

E **BRANCH**

Subject:— conveyance allowance P.W.D. officers, grant of —

1 KJ-1943

File No. 3811/36 — I — E.B

Ed. Secrt. Bldg. 24 A

G.R., G. D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 3811/36-I

P.W DEPT.

E BRANCH.

References :— Original File Sent to Maharastra.

Date.	To whom sent.	Notes and instructions.

1. The case was discussed by H.M., H.& G. D. with Chief Secy. and Secy., F.D. on March 26th.

2. It was decided that the following schedule:-

	Monthly mileage on duty.		
	150- 400	400 - 750	above 750
	Rs. p.m.	Rs.p.m.	Rs. p.m.
Grade I - Pay Rs.1,500 and above.	60	100	150
Grade I - Pay below Rs. 1,500	60	80	120
Grade II - If car is kept.	60	70	90
If car isnnot kept.	30	35	40

should be adopted as a genl. guide in dealing with conveyance allowance cases of grade I and grade II officers in future and that the exisiting appendix may be modified as in the penal entries in cal.5 in the attached statement. The general basis on which the attached statement has been reviewed has been (a) that it is not a suitable time for reducing the conveyance allowance of police officers (save that the entry of a Bombay City police supdt. 'who keeps a horse' may be deleted), (b) the above schedule has been applied to other cases on the basis of the information reported by administrative departments, and (c) in cases in which application of the schedule would have increased allowances, and in a few cases in which application of the schedule would have effected only slight changes, the current rates of allowance have been continued.

Id.C.G.F.
30-3-37.
Secy.,F.D.

H.M.,H.& G.D. - Id. R.D.B.
31-3-37.

I agree to the proposed rates of c.a. subject to the following remarks.

2. Serial No.237 in the Appendix XXIII separate rates of c.a. have been sanctioned to the Asstt. Engrs. in charge of Sub-dns. in the Presy. Dn. and to the A.Es. in the El.Dn. stationed at Bombay and Poona. A.Es. are meant for sub-dnl. charges. There will be very few occasions when A.E.Es. or Upper Subdtes. (now known as Supervisors) will be in charge of Sub-dns. in Bombay & Poona. If and when they are appointed, their cases will be decided on their own merits. The entry 237 may therefore be deleted.

3. Sr.Nos. 234, 243, 243-A in the Appendix XXIII.- The condition viz. 'Provided a motor car is maintained and used for Govt. Work' should be imposed for the drawal of c.a. in the case of officers mentioned at serial Nos.refd. to above as the proposed rates of c.a. are those which are admissible for maintaining a motor car. In the case of the officer mentioned at S.No.243, it should be further stipulated that no extra t.a. will be allowed to him for his journeys to Kandivli & back.

Id.T.A.A.
10-4-37.
Secy.

FINANCE DEPARTMENT.

Bombay Castle, 12th May 1939.

No. 2091/33-C.-- In exercise of the powers conferred by sub-section (2) of section 241 and by section 247 of the Government of India Act, 1935, the Governor of Bombay is pleased to direct that the following amendments shall be made in the Bombay Civil Services Rules Manual, Volume I :-

I.--Page 113, rule 346--

Add the following after the words " locum tenens" occurring at the end of this rule:-

" and provided further the continued maintenance of the means of conveyance which he maintains while on duty is certified"

II.--Page 114, rule 347 --

(i) Add the following after the word "Government" in line 3 of this rule:-

"and provided further that the continued maintenance of the means of conveyance which they maintain while on duty is certified"

(ii) Delete the words " on the condition that the continue maintenance of the animal or conveyance is certified" occurri in clause (iii) of this rule.

(iii) Delete the words " on condition that the continued maintenance of the animal is certified" occurring in clause (iv) of this rule.

III.-- Page 124, rule 393--

Substitute the following for the words "on condition that no extra expense is thereby caused to Government " occurring at the end of clause (1) of this rule :-

" on condition (i) that no extra expense is thereby caused to Government and (ii) that the continued maintenance of the means of conveyance which they maintain while on duty is certified."

By order of the Governor of Bombay,

H.V.R. IENGAR,

Secretary to Government.

Copies forwarded for information and guidance to--

The Accountant General,
The Commissioner of Excise,
The Inspector General of Police,
The Commissioner of Police, Bombay,
The Director of Public Health,
The Surgeon General with the Governme
The Electrical Engineer to Government,
The Superintending Engineers of Circles,
The Consulting Public Health Engineer to Government
The Executive Engineers,
The Presidency Senior Chaplain, Church of Scotland,
The Venerable the Archdeacon of Bombay,
The Political and Services Department,
The Home Department,
The Revenue Department,
The General Department,
The Public Works Department.

From,

No. 7665 of 1939.

Poona, 15th December 1939.

From

R.G. Sule, Esquire, I.S.E.,
Superintending Engineer,
Deccan Irrigation Circle, Poona.

To

The Secretary to the Government
of Bombay, Public Works Department.

Subject:- Pony allowance during leave.

Sir,

I have the honour to report that the P.W.D. Subordinates who maintain pony or pony with tonga in the interest of Government work are exempted from the operation of B.C.S.R. 393(2) and are allowed to draw the conveyance allowance under B.C.S.R.347 (iii) during the period of leave but the member of the Temporary Revenue Establishment who also maintain the conveyance e.g. a pony in the interest of Government work cannot be allowed to draw the allowance during the period of leave under the existing rules. It seems prima facie unfair to expect this low paid establishment to maintain the animal at their own cost when the subordinates are allowed to do so at Government cost as stated above.

2. I would, therefore, request that Government may kindly be moved to remove this anomaly and extend the concession to the members of the Temporary Revenue Establishment also.

I have the honour to be,
Sir,
Your most obedient servant,

Id.

Superintending Engineer,
Deccan Irrigation Circle.

3811/36/29724

No.3811/36.E
P.W.D., B.C., 13th Feb.1940.

Memo.

Subject:-Conveyance allowance to members of the tempy. Rev.estabt. during leave.

With ref. to his letter No. 7665, dated the 15-12-39, the S.E., Dk.D.I.C., is informed, with compliments, that the members of the tempy. Rev.estabt. who maintain a bullock ekka, a horse or a pony in the interest of Govt. work may be permitted to draw c.a. during leave subject to the following conditions:-

(a) that no extra expense is thereby caused to Govt; and

(b) that the continued maintenance of the means of conveyance which they maintain while on duty is certified.

2. The S.E. is further informed that in view of condition (a) mentioned above the concession in question will only be admissible to the man on leave, if his substitute is not granted c.a.

D.A.-Nil.

By order of the Govt. of Bombay,

Id.
10-2-40

Copy, with a copy of the S.E's letter refd. to, to the F.D. and the A.G., Bombay (thro. the F.D.) for information.

Copy also to other S.Es. for information and guidance.

Id.
10-2-40

No...

Page 114, Rule 347-

Add the following at the end of clause (iii) of this rule (as amended by correction slip No.37, dated 17th July 1939) :-

"and members of the temporary Revenue establishment who maintain a bullock ekka, horse or a pony in the interest of Government" [illegible].

(G.M., P.W.D., 3811/36-E dated 19th February 1940).
(Correction No. Financial Publication No.V.3rd Edition, Volume I, dated 1940).

No. 2091/4281-C.

Finance Department.

Bombay Castle, 8th March 1940.

Subject:- Conveyance allowance:

Revision of --
(Amendements to Bombay Civil Services Rules).

Memorandum.

The undersigned presents compliments to the Accountant General and is directed to forward a copy of a correction slip to the Bombay Civil Services Manual, Volume I, with the intimation that it will be printed in due course.

By order of the Governor of Bombay,

Sd.

Assistant Secretary to the Government of Bombay,

Finance Department.

Accompaniment-- Correction slip.

Copy, with a copy of the correction slip, to the Public Works Department.

E.B.

Submitted.

2. The requisite note has been made in the E.B. copies of the B.C.S.R. Manual Vol. I

Id.
14-3-40

Thro. Record.

Thro. R.B.

noted
SD
15-3-40

Id.
16-3-40.

Finance Department.

The question to be considered by Govt. in connection with the two files kept below is as follows :-

2. There are Govt. Servants who substantively hold posts where maintenance of a motor car or a conveyance is not advantageous from the point of view of efficiency. Some of such Govt. servants are frequently appointed to"act" in posts where maintenance of a motor ~~of~~ car is necessary. Under B.C.S.R. 490 (A)I(iv), free transport of a motor car is allowed only to those Govt. servants who are travelling (on transfer) to join posts in which the possession of a conveyance, or horse is advantageous from the point of view of efficiency. Such posts have been mentioned in the Explanation below B.C.S.R.490(A)I(iv) and Note 3 below it. Generally it is with some difficulty only that such an officer can maintain a car and if he has to sell his car at the end of each short "act", the burden of having to keep a car becomes aggravated. The transport of his car over long distances at his own cost also is rather hard on him. It has, therefore, been suggested that the rule be so amended that such cases of hardship will be met.

3. A Sub-Judge who has to face such "hardship" has suggested that Note 6 below B.C.S.R.490(A)I(iv) should be amended to the effect that officers who have been selected for posts of Assistant Judges, but who revert off and on for want of vacancies, are entitled to the cost of transport of motor car, if any, when proceeding to join the post of a Subordinate Judge. It may, be noted, however, that the "hardship" reported is not restricted to Subordinate Judges acting as Assistant Judge off and on. A Huzur Mamlatdar not getting c.a. and having to move between mamlat and District Deputy Collector, or a D.M.S. Officer, "acting" ~~difficulties~~ such as a Civil Surgeon of on must also be facing such "difficulties". Such officers acting in higher vacancies must be getting more pay than they would get had they not been so appointed. Even tho' "acts" involve additional responsibility the cost of tr one's own car on reversion to the substantive post can

taken as offset by the additional empluments and prospects of promotion that the higher posts warry.

4. As a solution of this difficulty a suggestion was made to Govt. in 1936 that subpJudges should be considered to be of a motor-car status. It was, however, decided that the suggestic should not be accepted.

5. It may be noted that Govt. always bears only a portion of the cost necessary for the upkeep of a car and not the whole of it. Our rule corresponds to Art.1094 of the C.S.Rs. and S.R.116 of the Govt. of India . In Burma where journeys are generally difficult all officers except inferior servants on transfer are entitled to free transport of their conveyance while in Madras all gazetted officers are eligible for the concession. All other provincial Governments have the same rule as ours. Besides the extent of extra cost involved in amending the rule cannot be estimated. An alternative course to meet such cases of hardship will be to declare that officers like Sub-Judges, officiating for short periods as Assistant Judges should not maintain a car and if they do so, they will have to bear transportation charges. This however appears to be a fall order and need not be put into execution. It is for orders whether we may agree to amend our rule. If so, the departments of the Secretariat may be consulted u.o.

Id/- V.D.G.

Id/- Y.K.P.
5/2/42.

The "Explanation" below B.C.S.R. 590(A)(I)(iv) lays down that a post in which the possession of a conveyance or horse is advantageous from the point of view of efficiency is --(1) a post the duties of which entail touring over an area as large as or larger than a taluka, or (2) a post to which a conveyance or permanent travelling allowance is attached, and (3) any other post in respect of which Government consi that it is in the interest of the public service that the Government servant holding the post should use a conveyanc horse for the performance of his duties, (vide Note (3) b

the Explanation which gives the designations of the officers who it has been ruled should use conveyances for the performance of their duties in the interest of the public service).

It will be noticed that the kind of conveyance is not definitely prescribed though clause (iv) of Rule 490 itself includes inter alia a motor-car for both 1st grade and 2nd grade officers entitled under the clause to the actual cost of transporting conveyances.

2. Among the non-touring officers who are expected to use conveyances in the performance of their duties in the interest of the Public service are included, (1) District and Sessions Judges and Assistant Judges and (2) Civil Surgeons and District Medical Officers. If therefore Subordinate Judges appointed to act as Assistant or Sessions Judges and Assistant Surgeons appointed to act as Civil Surgeions already keep a car, they will be entitled to the actual cost of transportation of the car under clause (iv) of Rule 490(A)(I). It is only on reversion that they will not be entitled to the cost of transportation of their cars as they will be joining their substantive post in which a conveyance has not been prescribed as necessary in the interest of the public service. As pointed out in the office note, this disadvantage or hardship is not restricted to these particular classes of officers but may be said to exist in the case of other similar officers holding "lower Gazetted" posts. The question whether such officers should be treated as of motor-car status was fully considered in 1936 and it was ultimately decided that no action should be taken as it was found that in the majority of other Provinces, no such concession was extended. It was also anticipated at the time that the cost of extending the concession would be heavy.

3. There is however one point which arises from these cases which might be considered as requiring some further consideration. The point is that Note 3 below Explanation to B.C.S.R. 490(A)(I)(iv) might be construed as requiring officers who officiate as Assistant Judges, Civil Surgeons, etc. for short

short periods off and on to keep a conveyance (motor-car). This however is not the case as the note is intended merely to enable officers who actually keep a conveyance to claim transportation charges and is not intended to ~~in~~ impose an obligation to maintain a conveyance.

4. In this connection it should also be noted that under Note 6 to B.C.S.R.590(A)(I)(iv) when a Government servant, who is transferred from a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency to another post in which it is not advantageous, is again transferred within a period not exceeding four months to a post in which the possession of the conveyance is advantageous from the point of view of his efficiency, he is eligible to draw the cost of its transport from the first to the last station, provided the conditions in clause (iv) are satisfied and the conveyance was possessed by him at the first station. This is a very important relaxation of the condition prescribed in the explanation and should meet all cases of officers who have been acting for some time in higher gazetted posts, being promoted from lower gazetted posts, and who may therefore expect to get a continuous acting vacancy in or promotion to a higher grade post in the near nuture. As regards the other officers who have been acting off and on ~~the~~ in higher gazetted posts, their prospects of continuous officiation in, or promotion to, a higher gazetted post may not be said to be so near as to justify their keeping a conveyance (motor-car) at that stage of their "acts" and if they actually do so, they do at their option only and at the risk of their having to bear the transportation charges themselves in the case of reversion from the higher gazetted post. They cannot blame Government in that case having due regard to the general policy of Government as indicated in the Rule in question.

5. In the circumstances explained above, there appears to be no strong case for an amendment of the existing rule on the subject.

Id/- V.V.N(adkarni),
12/2.
Secy.

Copies of the noting may be sent to all Deptts. concerned for their views on the need to amend the rules.

Id/- A.D.G.(orwala),

Below copies of the Finance Department notes dated 23rd February 1942).

No.2819/33-C.

Finance Department.

Bombay Castle, 26th February 1942/

Forwarded to all Departments of the Secretariat (except the Separate Department) for favour of remarks.

By order of the Governor of Bombay,

Id.

Deputy Secretary to the Government of Bombay, Finance Department.

Id.
26-2

Note in E.B.

The question raised in these papers is with ref. to the amendment of B.C.S.R. 490(A)I(iv) so as to allow free transport of conveyance when an officer or a subdte. acting in higher post reverts to his substantive post. Under the existing orders free transport of a conveyance other than that admissible to the person holding a substantive post is not allowed. The Dy.Secy., F.D. has discussed the question in detail and suggests that there is no strong case for an amendment of the existing rule on the subject.

2. As far as the P.W.D. is concerned, cases arise in which an officer of the B.S.E. is appointed to hold a Divl. charge or an Overseer is appointed as an S.D.O. in leave vacancies.

(a) Officers of the B.S.E. are entitled to maintain a motor car for the performance of their duties as S.D.O.s. The question of change of the mode of conveyance does not arise in their cases even if they are appointed to hold Divl. charges in short vacancie

(b) In the case of Overseers holding Sub-Divl. charges the difficulty may arise. As overseers, they are entitled to maintain motor cycles only and orders have been issued that they should not be encouraged to maintain motor cars - vide G.C.M. No.2542/36- dated the 8-6-38 & the 29-7-38. When the overseers are appointed to act as S.D.O.s it may be necy. for them to maintain a motor car instead of the motor cycle for the efficient performance of their duties. On reversion as overseers, they will not be entitled to the free transport of motor cars, if they have been maintained.

In view of the shortage of the officers of the B.S.E. to hold Sub-Divl. charges there are at present many, overseers who have been appointed to hold sub-Divl. charges. This is, however on account of the present abnormal conditions. In normal times such "acts" will be few.

3. Orders are accordingly requested (1) whether this Deptt. may agree with the conclusion on arrived at by the D.S.,F.D.,

or

(2) Whether an amendment to B.C.S.R. 490(A)I(iv) may be suggested so as to allow free transport of the conveyance on reversion.

It is also for consideration whether the views of the local officers may be obtained on this point.

Id. S.A.I.
1-4-42.

I think we may accept 3(1) of O.N., nothing will be gained - by a reference in this case to local officers. The D.S.,F.D. has gone into the case in detail and apperently this instigation has also been made previously. The existing practice is the practice followed in the majorety of the Provincies.

Id.
4-4-

Yes, these are few cases whether Overseer are comrdiest of need motor cars while acting as S.D.O. and I do not think there will be cases of hardship.

Id.
2-4

(E.B.)

Resubmitted with a draft for approval.

Id.
S.A.I.
4-3-42.

No. 3811/36-E. 3811/36 5277

P.W.D.

Memo. B.C., 6th April 1942

Amendment of B.C.S.R. 490(A)I(iv).

With reference to the F.D. endt. No. 2619/33-C; dated the 26-2-42, that Deptt. is informed that this Deptt. agrees with the conclusion arrived at by the D.S., F.D. in his note, dated the 12-2-42, as reg. the amendment of B.C.S.R. 490 (A)I(iv).

By order of the G. of B.

Id.
4-3-42